

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ORIGINAL

D & F  
C/M

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TRUSTEES OF LOCAL 813 I.B.T.  
INSURANCE TRUST FUND, THE LOCAL  
813 I.B.T PENSION TRUST FUND AND  
THE LOCAL 813 AND LOCAL 1034  
SEVERANCE TRUST FUND,

Plaintiffs,

-against-

CHINATOWN CARTING CORP.,

Defendant.  
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**MEMORANDUM AND ORDER**

No. 06-CV-3386 (FB) (RML)

*Appearances:*

*For the Plaintiffs:*

ARTHUR A. HIRSCHLER, ESQ.  
Finkel Goldstein Berzow  
Rosenbloom & Nash, LLP  
26 Broadway, Suite 711  
New York, NY 10004

**BLOCK, Senior District Judge:**

On June 29, 2007, Magistrate Judge Levy issued a Report and Recommendation ("R&R") recommending that a default judgment be entered against Defendant in the amount of \$123,152.75 in unpaid fringe benefit contributions and interest, \$24,362.55 in linquidated damages, and \$350 in costs, for a toal judgment of \$147,865.30. The R&R recited that "[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Block and the undersigned, within ten (10) business days," R&R at 6, and that "[f]ailure to file objections within the specified time waives the right to appeal the district court's order." *Id.*

Where clear notice has been given of the consequences of failure to object, and

there are no objections, the Court may adopt the R & R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). Here, the docket does not reflect that the defendants have been served with a copy of the R&R; therefore, plaintiffs are hereby directed to serve the defendant with a copy of the R&R by regular mail within 10 days, and to file proof of service with the Court.

**SO ORDERED.**

s/Frederic Block

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FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
July 16, 2007